

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
SBC Advanced Solutions, Inc. Petition for)	
Interim Waiver to File Contract Tariffs for)	WCB/CPD File No. 01-26
Advanced Services)	
)	

ORDER

Adopted: May 13, 2003

Released: May 13, 2003

Before the Deputy Division Chief, Pricing Policy Division:

1. On October 3, 2001, SBC Advanced Solutions, Inc. (SBC-ASI) petitioned the Commission for an expedited ruling that it is non-dominant in its provision of advanced services, and for forbearance from dominant carrier regulation of those services. For an interim period until the Commission issued a decision, SBC-ASI separately petitioned the Commission on November 9, 2001 for waiver of Sections 69.707, 69.709, 69.711, and 69.727 of the Commission's rules so that SBC-ASI could offer advanced services under contract tariffs. On November 29, 2001, the Commission sought comment on SBC-ASI's petition for waiver.¹ Interested parties filed comments on December 28, 2001 and reply comments on January 14, 2001.

2. On December 31, 2002, the Commission released a Memorandum Opinion and Order granting SBC's forbearance petition to the extent it sought forbearance from tariff regulation of advanced services offered by SBC-ASI.² In light of this order, on April 14, 2003, SBC-ASI filed a letter with the Commission requesting to withdraw its petition for waiver of Sections 69.707, 69.709, 69.711, and 69.727 of the Commission's rules filed on November 9, 2001. Because we find that the Commission's December 31, 2002 order granting SBC's forbearance petition, in effect, rendered the above-mentioned petition for waiver moot, we grant SBC's request to withdraw its petition for waiver of Sections 69.707, 69.709, 69.711, and 69.727 of the Commission's rules.

¹ See *Comments Sought on SBC Advanced Solutions, Inc. Petition for Waiver of the Commission's Rules for Interim Authorization of Contract Tariffs*, WCB/PPD File No. 01-126, Public Notice, DA 01-2757 (rel. Nov. 29, 2001).

² See *Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services*, CC Docket 01-337, Memorandum Opinion and Order, 17 FCC Rcd 27000 (2002).

3. ACCORDINGLY, IT IS ORDERED that SBC-ASI's request to withdraw its petition for waiver of Sections 69.707, 69.709, 69.711, and 69.727 of the Commission's rules filed on November 9, 2001 IS GRANTED, and the proceeding initiated by that petition, WCB/CPD File No. 01-26, IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Deena M. Shetler
Deputy Division Chief
Pricing Policy Division
Wireline Competition Bureau